

# 437 DE LEON



**BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR  
WEDNESDAY, SEPTEMBER 30, 2015**

**PLANNING & INSPECTIONS DEPARTMENT  
BUILDING SAFETY DIVISION**

MEMORANDUM  
September 16, 2015

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison-Vega, Deputy Director, Planning & Inspections Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 437 De Leon Drive, El Paso, TX 79912

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about November 21, 2014 through a referral from EPPD and the structure was found secure and the premises clean. A follow up inspection was conducted on May 11, 2015 and several times thereafter. The single family home was built on or about 1956, constructed of wood framing with brick veneer, some siding and a wood framed roof structure. The structure was found open, abandoned and being used as harborage by unwanted persons. Most of the window panes are broken. There is evidence of vandalism and graffiti on the walls. The ceiling system in the hallway has collapsed due to water infiltration from the missing A/C unit. There are bird feathers strewn throughout the floor. The plumbing, mechanical and electrical systems are inadequate and noncompliant. There are weeds, trash and debris throughout the property
- 2) A certified condemnation letter was mailed to the Miguel F. & Lilia E. Avina on May 18, 2015.
- 3) Certified notices of the public hearing scheduled for September 30, 2015 were mailed to the owner and all interested parties on September 16, 2015.
- 4) As of September 16, 2015, no taxes are owed.

The owners have been notified of the property violations at this property. To date there has been little or no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure is substandard and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating structural or service systems integrity, fire protection and disposal of refuse; and
- 3) That the structure's Certificate of Occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be secured within thirty (30) days and remain secure thereafter; and
- 6) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 7) That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Building Safety Division  
May 13, 2015  
**NOTICE OF VIOLATION**

Avina Miguel F & Lilia E  
PO Box 1514  
Helotes, TX 78023-1514

Re: 437 De Leon  
Blk: 21 Coronado Hills  
Lot: 330 (8039.85 SQ FT)  
Zoned: R-3  
ENHS15-02535  
91 7199 9991 7030 7610 3155

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.108.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.108.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**18.50.108.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**18.50.108.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential

equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

The structure located at **437 De Leon Dr., El Paso, TX 79912** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- c. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6]
- d. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- f. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- h. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- i. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- j. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- k. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- l. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- m. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]

- n. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- o. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- p. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within **30** days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the City Development Department, Building Safety Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Safety Division office, 801 Texas Ave., El Paso, Texas, 79901, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at (915) 212-1815.

Nellie Avalos  
Building Inspector

## NOTICE OF PUBLIC HEARING

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the “Commission”, at the following time and place:

**LOCATION:** El Paso City Hall, City Council Chambers, 300 N. Campbell El Paso, Texas 79901

**DATE:** September 30, 2015

**TIME:** 5:30 p.m.

**PROPERTY:** 437 De Leon Dr., El Paso, Texas, 79912 also described as Lot 330, Block 21, CORONADO HILLS SECTIONTWO, an addition to the City of El Paso, EL Paso County, Texas, according to the Plat thereof recorded in Volume 8, Page 40, of the Plats Records of El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Miguel F. Avna and Lilia E. Avina, % Avina CY, PO Box 1514, Helotes, Texas, 78023-1514, are the owners, herein after referred to as the “Owner(s)” of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building and Safety Division, Planning & Inspections Department, 801 Texas, Avenue, El Paso, Texas, 79901, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about May 11, 2015, an inspection of the Property was conducted by the Building and Safety Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]

- c. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6]
- d. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- f. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- h. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- i. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- j. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- k. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- l. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- m. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- n. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- o. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- p. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation. If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Building and Safety Division, Planning & Inspections Department, 801 Texas Avenue, El Paso, Texas, 79901 or by calling (915) 212-1815.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNERS AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

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Wendi N. Vineyard  
Assistant City Attorney

APPROVED AS TO CONTENT

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Ron Roth, C.B.O.  
Deputy Building Official



# UNSAFE STRUCTURES REPORT

## BUILDING SAFETY DIVISION

**DATE OF EXAMINATION:** August 14, 2015

**REP. DISTRICT:** 8

**ADDRESS:** 437 De Leon Dr.

**ZONED:** R-3

**LEGAL DESCRIPTION:** 21 Coronado Hills, Lot 330

**OWNER:** Miguel F. Avina and Lilia E Avina

**ADDRESS:** % Avina CY

PO Box 1514

Helotes, TX 78023-1514

**BUILDING USE:** Abandoned Single family dwelling

**TYPE OF CONSTRUCTION:** V, Brick veneer w/wood frame and some wood siding.

**FOOTINGS:** Concrete

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete slab on grade.

**CONDITION:** Fair. The carpet and vinyl floor coverings are full of feathers, trash and pieces of fallen sheetrock. A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** Brick veneer with some siding

**HEIGHT:** 12' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Fair. The brick veneer shows signs of stepping at several areas due to lack of maintenance. An infestation of bees is beginning on the east end of the structure between the siding and the wall. A structural engineer should be hired to evaluate structural elements of the buildings and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Gypsum board w/plaster

**CONDITION:** Poor. The walls in several rooms have been vandalized, they contain holes and graffiti. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe.

**ROOF STRUCTURE:** Gable roof, wood framing with asphalt shingles.

**CONDITION:** Fair. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.:** Wood frame doors and metal casement windows.

**CONDITION:** Poor. The majority of the glass on the casement windows is broken and the wooden door(s) have been vandalized and broken. Will need to replace or repair doors and windows, so they are operational and meet egress requirements.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows and doors must be replaced to make them operational.

**PLUMBING:** Poor. A licensed plumber should be hired to bring system up to code.

**ELECTRICAL:** Poor. A licensed electrician should be hired to bring system up to code.

**MECHANICAL:** Poor. A licensed mechanical contractor should be hired to bring system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0**

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** Yes

**REMARKS:** The single family dwelling was built on or about 1956 constructed of wood framing and brick veneer with some siding. The structure was found open, abandoned and being used as harborage by unwanted persons. The interior walls contain holes and graffiti due to vandalism. The window panes are broken. The plumbing, mechanical and electrical systems are inadequate and noncompliant. There is weeds, trash and debris throughout the property. The department recommends that the structure be secured within thirty (30) days and maintained secure thereafter. That the premises be cleaned of all weeds, trash and debris within thirty (30) days and maintained clean thereafter.

Nellie Avalos

**Building Inspector**

# TAX REPORT

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents Go To: [ ]

EVAR ACCOUNT NO(C81899902100100): PAID PAYMENT AGREEMENT #75484. BEGIN DATE: 11/15/2013, END DATE: 07/15/2014, MONTHLY PAYMENT AMOUNT: \$2,008.54, NO OF 09/17/2015 16:54:00  
 ACT8006 v1.268 ACTEP

STATUS DETAIL Expand Fees Summary

**Account Information**

Account No. C818-999-0210-0100 Roll Code REAL PROPRT

Certified Owner AVINA MIGUEL F & LILIA E

Parcel Address 437 DE LEON DR

Amount Due as of 09/17/2015 CAD No. 302309

**Tax Units**

Tax Unit Description

List of Tax Units 1 3 6 7 8 9009

AG INCLUDED Remove Fees Countywide Multi Select

**Amount Due/Paid Information**

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2014	\$143,488					\$3,926.24	\$3,926.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$143,488					\$3,853.02	\$3,853.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$143,488					\$3,743.21	\$3,743.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$148,959					\$3,816.92	\$3,816.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$148,959	Y	Y			Excodes \$2,132.30	\$2,132.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$150,300	Y	Y			Excodes \$2,088.05	\$2,088.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$149,693	Y	Y			Excodes \$2,003.28	\$2,003.28	\$0.00	\$0.00	\$1,559.05	\$0.00	\$0.00
2007	\$149,693	Y	Y			Excodes \$1,888.19	\$1,888.19	\$0.00	\$0.00	\$1,879.69	\$0.00	\$0.00
2006	\$118,015	Y	Y			Excodes \$2,024.09	\$2,024.09	\$0.00	\$0.00	\$2,480.10	\$0.00	\$0.00
<b>Totals</b>						<b>\$45,050.53</b>	<b>\$45,050.53</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$42,905.22</b>	<b>\$0.00</b>	<b>\$0.00</b>

Last Payment Date [ ] Last Payer [ ] Alert